

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS BENEFIT FUND,	)	
BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS PENSION FUND,	)	
BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS EDUCATION	)	
FUND, BOARD OF TRUSTEES OF	)	No. 08 C 2376
THE NORTHERN ILLINOIS	)	
RETIREMENT FUND,	)	Judge Guzman
	)	
Plaintiffs,	)	Magistrate Judge Valdez
	)	
v.	)	
	)	
HIGH-TECH MECHANICAL, INC.,	)	
An Illinois Corporation, d/b/a	)	
HIGH TECH MECHANICAL, INC.	)	
	)	
Defendant.	)	

**MOTION FOR ORDER OF DEFAULT  
AND JUDGMENT IN SUM CERTAIN**

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ, PHILIP BRZOZOWSKI and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter an Order of Default as to liability and Judgment in favor of Plaintiffs and against Defendant, HIGH-TECH MECHANICAL, INC., an Illinois corporation.

In support thereof, Plaintiffs state:

1. This case was filed on April 28, 2008.
2. Defendant was served with Summons and Complaint on June 19, 2008. (See affidavit of service attached hereto as Exhibit "1")
3. In excess of 20 days have expired since Service of Process, however, Defendant has failed to file an answer or otherwise plead.
4. Per the affidavit of Robert E. Niksa, Defendant owes at least \$26,003.04 to

Plaintiffs which includes delinquent contributions and liquidated damages. (See affidavit of Niksa attached hereto as Exhibit "2")

5. Per the affidavit of Philip Brzozowski, attorney for Plaintiffs, \$2,975.50 in legal fees and expenses have been incurred in attempting to collect the amounts owed by Defendants. (See Exhibit "3")

**WHEREFORE**, Plaintiffs pray for:

1. An Order of Default and Judgment against the Defendant.
2. Judgment be rendered in the amount of \$28,978.54.

Respectfully submitted,

**TRUSTEES OF THE NORTHERN  
ILLINOIS BENEFIT FUND, LOCAL  
501, et al.**

By: s/ Philip Brzozowski  
One of their Attorneys

Donald D. Schwartz  
Philip Brzozowski  
**ARNOLD AND KADJAN**  
19 West Jackson Blvd.  
Chicago, Illinois 60604  
(312) 236-0415

**EXHIBIT 1**

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

BOARD OF TRUSTEES OF THE NORTHERN  
ILLINOIS BENEFIT FUND, et al.

Plaintiffs,

V.

HIGH-TECH MECHANICAL, INC.,  
AN ILLINOIS CORPORATION, D/B/A  
HIGH TECH MECHANICAL, INC.  
DEFENDANT.

CASE NUMBER: 08CV2376 EDA  
JUDGE GUZMAN  
MAGISTRATE JUDGE VALDEZ  
DESIGNATED JUDGE:  
DESIGNATED  
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

HIGH-TECH MECHANICAL, INC. D/B/A HIGH TECH MECHANICAL, INC.  
C/O ITS REGISTERED AGENT, LEONARD R. CHAPLINSKI, JR.  
296 272 S. KINZIE AVE.  
BRADLEY, IL 60915

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

DONALD D. SCHWARTZ  
PHILIP BRZOZOWSKI  
ARNOLD AND KADJAN  
19 WEST JACKSON BLVD., SUITE 300  
CHICAGO, IL 60604  
(312) 236-0415

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MICHAEL W. DOBBINS, CLERK

Michael W. Dobbins, Clerk

*Esperanza Arnold*

(By) DEPUTY CLERK

April 25, 2008

Date



AO 440 (Rev. 05/00) Summons in a Civil Action

### RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER (PRINT)	TITLE
Brian Kriebel	Process Server

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served:

Soul High Tech Mechanical Co. to President  
Tom Blanchette at home address 296 S. Knoch Ave

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Bradley J. (w/m 55 btd)

☐ Returned unexecuted:

☐ Other (specify):

### STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

### DECLARATION OF SERVER

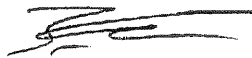
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

6/19/08

Date

Signature of Server



THE ARGUS AGENCY INC.  
1480 RENAISSANCE DR. STE 208  
PARK RIDGE IL 60068

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS BENEFIT FUND,	)	
BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS PENSION FUND,	)	
BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS EDUCATION	)	
FUND, BOARD OF TRUSTEES OF	)	No. 08 C 2376
THE NORTHERN ILLINOIS	)	
RETIREMENT FUND,	)	Judge Guzman
	)	
Plaintiffs,	)	Magistrate Judge Valdez
	)	
v.	)	
	)	
HIGH-TECH MECHANICAL, INC.,	)	
An Illinois Corporation, d/b/a	)	
HIGH TECH MECHANICAL, INC.	)	
	)	
Defendant.	)	

**AFFIDAVIT OF ROBERT E. NIKSA**

ROBERT E. NIKSA, upon being first duly sworn on oath, deposes and states:

1. I am the Fund Administrator for the NORTHERN ILLINOIS BENEFIT FUND, NORTHERN ILLINOIS PENSION FUND, NORTHERN ILLINOIS EDUCATION FUND and NORTHERN ILLINOIS RETIREMENT FUND (hereinafter "Northern Illinois Benefit Funds").

2. In my position, my normal duties include maintaining a record of delinquent contractors. This would include the Defendant, HIGH-TECH MECHANICAL, INC., an Illinois Corporation.

3. Defendant currently owes the Northern Illinois Benefit Funds at least \$13,013.43 of unpaid contributions for the months of December 2007 through April 2008

based upon monthly contribution reports submitted by the Defendant. This amount is subject to change as further amounts may still be determined by an audit.

4. Based on late payments of contributions for all months including November 2007 through March 2008, Defendant owes \$12,989.61 in liquidated damages. This amount is subject to change as further amounts may still be determined by an audit.

5. The total amount owed to the Northern Illinois Benefit Funds is at least \$26,003.04 which does not include attorneys' fees incurred by the Northern Illinois Benefit Funds. This amount is subject to change as further amounts may still be determined by an audit.

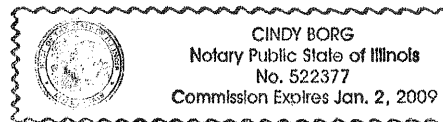
6. Affiant is not currently suffering any infirmities and is competent to testify to the foregoing.

FURTHER AFFIANT SAYETH NOT.

  
ROBERT E. NIKSA

SUBSCRIBED AND SWORN TO  
before me this 25<sup>th</sup> day  
of July, 2008

  
NOTARY PUBLIC





**EXHIBIT 3**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS BENEFIT FUND,	)	
BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS PENSION FUND,	)	
BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS EDUCATION	)	
FUND, BOARD OF TRUSTEES OF	)	No. 08 C 2376
THE NORTHERN ILLINOIS	)	
RETIREMENT FUND,	)	Judge Guzman
	)	
Plaintiffs,	)	Magistrate Judge Valdez
	)	
v.	)	
	)	
HIGH-TECH MECHANICAL, INC.,	)	
An Illinois Corporation, d/b/a	)	
HIGH TECH MECHANICAL, INC.	)	
	)	
Defendant.	)	

**AFFIDAVIT OF PHILIP BRZOWSKI**

Philip Brzozowski, upon being first duly sworn, on oath deposes and states:

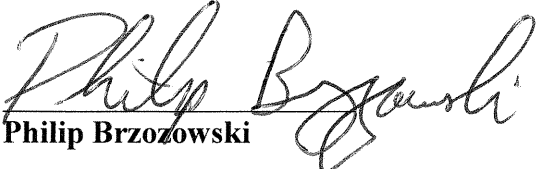
1. Affiant is an associate in the Law Firm Arnold and Kadjan handling this case.
2. Our firm has spent 13.5 hours in collecting benefit contributions and other amounts owed by Defendant.
3. Our normal rate is \$175.00 per hour
4. Our firm charged the BOARD OF TRUSTEES OF THE NORTHERN ILLINOIS BENEFIT FUND, BOARD OF TRUSTEES OF THE NORTHERN ILLINOIS PENSION FUND, BOARD OF TRUSTEES OF THE NORTHERN ILLINOIS EDUCATION FUND, BOARD OF TRUSTEES OF THE NORTHERN ILLINOIS RETIREMENT FUND, (hereinafter "Northern Illinois Fringe Benefit Funds") \$2,362.50 in attorneys' fees in this matter.

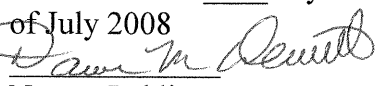
5. Our firm also charged the Northern Illinois Fringe Benefit Funds \$613.00 in costs which includes the Court's \$350.00 filing fee and various other costs of filing and service of process.

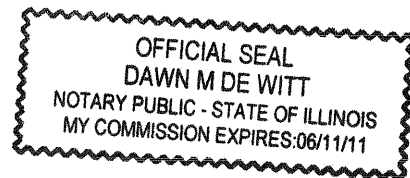
6. To date, the total amount of attorneys' fees and costs charged the Northern Illinois Fringe Benefit Funds is \$2,975.50

7. Affiant is not currently suffering any infirmities and is competent to testify to all of the foregoing

FURTHER AFFIANT SAYETH NOT.

  
Philip Brzozowski

SUBSCRIBED AND SWORN to  
before me this 28th day  
of July 2008  
  
Notary Public



**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS BENEFIT FUND,	)	
BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS PENSION FUND,	)	
BOARD OF TRUSTEES OF THE	)	
NORTHERN ILLINOIS EDUCATION	)	
FUND, BOARD OF TRUSTEES OF	)	No. 08 C 2376
THE NORTHERN ILLINOIS	)	
RETIREMENT FUND,	)	Judge Guzman
	)	
Plaintiffs,	)	Magistrate Judge Valdez
	)	
v.	)	
	)	
HIGH-TECH MECHANICAL, INC.,	)	
An Illinois Corporation, d/b/a	)	
HIGH TECH MECHANICAL, INC.	)	
	)	
Defendant.	)	

**JUDGMENT ORDER**

**THIS CAUSE** coming on to be heard on Plaintiffs' Motion for Order of Default and Judgment in Sum Certain, all parties having been given due notice;

**IT IS HEREBY ORDERED:**

1. Defendant, HIGH-TECH MECHANICAL, INC., an Illinois Corporation is hereby defaulted and Judgment as to liability is entered against it and in favor of Plaintiffs.
2. Judgment is entered in favor of Plaintiffs, Board of Trustees of the Northern Illinois Benefit Fund, et al., and against Defendant in the sum of \$28,978.54 which consists of delinquent contributions, liquidated damages and attorneys' fees and costs incurred in attempting to collect amounts due Plaintiffs.

3. This is a final and appealable order.

DATED: \_\_\_\_\_

ENTER: \_\_\_\_\_  
**HONORABLE JUDGE GUZMAN**

Donald D. Schwartz  
Philip Brzozowski  
**ARNOLD AND KADJAN**  
19 West Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415